

HOUSE BILL 1939

By Towns

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 49, relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 9, is amended by adding the following language as a new section:

39-17-9__.

(a) It is an offense for any person to knowingly wear pants below the person's waistline, in a public place, in a manner that exposes the person's underwear or bare buttocks.

(b) As used in subsection (a):

(1) "Public place" means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. "Public place" includes, but is not limited to, streets, sidewalks, parks, beaches, business and commercial establishments, whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement, bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations; and

(2) "Underwear" means an article of personal wear that is worn between the skin and an outer layer of clothing. "Underwear" includes, but is not limited to, boxer shorts and thongs.

(c)

(1) A violation of subsection (a) shall be punished as follows:

(A) A first offense is a Class B misdemeanor, punishable only by a fine of two hundred dollars (\$200) and forty (40) hours of community service work, which fine or penalty shall not be suspended or waived;

(B) A second offense is a Class B misdemeanor, punishable only by a fine of five hundred dollars (\$500) and eighty (80) hours of community service work, which fine or penalty shall not be suspended or waived;

(C) A third offense is a Class A misdemeanor, punishable only by a fine of seven hundred and fifty hundred dollars (\$750) and one hundred twenty (120) hours of community service work, which fine or penalty shall not be suspended or waived; and

(D) A fourth or subsequent offense is a Class A misdemeanor, punishable only by a fine of one thousand dollars (\$1,000) and one hundred and (160) hours of community service work, which fine or penalty shall not be suspended or waived.

(2) Any community service to which a person is sentenced for a violation of this section shall be scheduled around the offender's work and school schedule.

(d) There is created a special account in the state treasury to be known as the "Extracurricular Activities Enhancement Fund", hereinafter referred to as the "extracurricular activity fund".

(1) There shall be deposited in the extracurricular activity fund:

(A) All funds produced from the fines ordered pursuant to this section; and

(B) Appropriations made by the general assembly to the extracurricular activity fund.

(2) In addition to the funds deposited pursuant to subdivision (d)(1), the commissioner of education may accept other funds, public or private, by way of gift or grant to the fund.

(3) Moneys in the extracurricular activity fund may be invested by the state treasurer in accordance with the provisions of § 9-4-603.

(4) Notwithstanding any provision of law to the contrary, interest accruing on investments and deposits of the extracurricular activity fund shall be credited to such fund, shall not revert to the general fund, and shall be carried forward into the subsequent fiscal year.

(5) Any balance remaining unexpended at the end of a fiscal year in the extracurricular activity fund shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

(6) Money in the extracurricular activity fund shall be earmarked for distribution to local education agencies in the proportion that each local education agency's student population has to the overall statewide student population of all local education agencies to be used as follows:

(A) For musical instruments for band, fifty percent (50%);

(B) For books, twenty-five percent (25%); and

(C) For sports equipment for school sponsored athletics, twenty-five percent (25%).

(7) Money in the extracurricular activity fund may be expended only in accordance with annual appropriations approved by the general assembly.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.